

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

MANJUNATH JAGANNATHARAO,
Plaintiff,
v.
ETIHAD AIRWAYS,
Defendant.

Case No. [16-cv-00510-PSG](#)

**ORDER DENYING MOTION TO
REMAND**

(Re: Docket No. 21)

Defendant Etihad Airways removed this case from state small claims court on January 29 of this year.¹ Plaintiff Manjunath Jagannatharao nevertheless obtained a default judgment against Etihad in the state court action,² but Etihad successfully petitioned the state court to vacate that judgment.³ Jagannatharao now moves to remand this action back to state court pursuant to 28 U.S.C. § 1447(c).⁴

The motion is DENIED for two reasons. First, Section 1447(c) requires such a motion to “be made within 30 days after the filing of the notice of removal.” Second, and more importantly, because Etihad “is wholly owned by the government of Abu Dhabi, a political subdivision of the

¹ See Docket No. 1.

² See Docket No. 16.

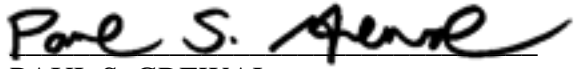
³ See Docket No. 19.

⁴ See Docket No. 21. More specifically, Jagannatharao sent the court a letter containing a request to remand the case, but the court construes the pro se pleading as a motion pursuant to the applicable statute. See *Haines v. Kerner*, 404 U.S. 519, 595-96 (1972).

United Arab Emirates,”⁵ Etihad qualifies as a “foreign state” as defined in the Foreign Sovereign Immunities Act,⁶ and foreign states may remove any civil action from state to federal court.⁷ This court therefore has jurisdiction over the complaint,⁸ and remand is not warranted. The court’s previous order to show cause⁹ remains in effect.

SO ORDERED.

Dated: May 10, 2016


PAUL S. GREWAL
United States Magistrate Judge

⁵ Docket No. 1 at ¶ 5.

⁶ 28 U.S.C. § 1603(a), (b)(2).

⁷ *See id.* § 1441(d).

⁸ *See id.* § 1330(a); *see also EIE Guam Corp. v. Long Term Credit Bank of Japan, Ltd.*, 322 F.3d 635, 647 (9th Cir. 2003) (quoting *Phaneuf v. Republic of Indon.*, 106 F.3d 302, 304 (9th Cir. 1997)) (“[T]he FSIA ‘is the sole basis of subject matter jurisdiction over suits involving foreign states and their agencies and instrumentalities.’”).

⁹ *See* Docket No. 20.